

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATE DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANNA F. DANIELI,

Plaintiff,

v.

KING COUNTY, a municipal corporation;  
CITY OF BELLEVUE, a municipal  
corporation; KING COUNTY HEARING  
EXAMINER; REGIONAL ANIMAL SERVICES  
OF KING COUNTY; GENE EDWARD  
MUELLER, and marital community; TIM  
ANDERSON, and marital community; and  
DOES 1-10,

Defendants.

Case No.: 3:21-CV-05163-RSM

**PLAINTIFF'S MOTION FOR RELIEF FROM  
DEADLINE AND TO CONSOLIDATE  
MOTIONS**

**NOTE ON MOTION CALENDAR: Friday,  
April 16, 2021 Without Oral Argument**

**I. RELIEF REQUESTED**

PLAINTIFF, ANNA F. DANIELI ("Danieli"), pursuant to LCR 7(j) and LCR 7 (k), hereby  
requests that the District Court set over the King County Defendants<sup>1</sup> Motion to

<sup>1</sup> Attorney, Amy Montgomery, filed a Notice of Removal on behalf of Defendants, King County, Regional Animal Service of King County (RASKC), Gene Edward Mueller, and Tim Anderson, together the ("King

1 Remand (Dkt #13) until Friday, April 30, 2021, and consolidate this motion with  
 2 Danieli's Motion for Sanctions Pursuant to FRCP 11, to be heard on Friday, April 30,  
 3 2021.

4 Danieli will be filing her Response to the King County Defendants' Motion to  
 5 Remand on Monday, April 12, 2021, in which Danieli will request the Court to impose  
 6 on the King County Defendants attorney's fees and costs. Danieli will also be filing  
 7 her Motion for Sanctions Pursuant to FCRP 11 on the same day, with a hearing set  
 8 on April 30, 2021 pursuant to LCR 7(d)(3). Danieli will be requesting oral argument on  
 9 her Motion for Sanctions.

10 **II. RELEVANT FACTUAL AND PROCEDUAL BACKGROUND IN SUPPORT**  
 11 **OF MOTION FOR RELIEF FROM DEADLINE AND TO CONSOLIDATE**

12 On March 5, 2021, the King County Defendants filed a Notice of Removal with the  
 13 United States District Court for the Western District of Washington, and also in the  
 14 Pierce County Superior Court. For reasons that will be set out more fully in Plaintiff's  
 15 Response to the Motion to Remand and in her Motion for Sanctions, the King County  
 16 Defendants' filing with the District Court was made without either proper legal basis  
 17 or good cause.

18 After making its initial filing of a Notice of Removal, the King County Defendants  
 19 continued to file additional documents with the District Court, including

20 MOTION for Extension of Time to file responsive pleading to Plaintiff's Second  
 21 Amended Complaint (Dkt #5), to which Plaintiff was required to respond. On March  
 22 15, 2021, Plaintiff's counsel sent the Defendants' counsel a written notice that the  
 23 Plaintiff intends to seek sanctions against the Defendants on account of  
 24

25 \_\_\_\_\_  
 26 County Defendants') Based on representations made by Attorney, Amy Montgomery in her filings in  
 District Court, the Notice of Removal was made with the consent of the other Defendants.

1 misrepresentations contained in the filings along with the filing being legally  
2 baseless. The notice provided to all of the Defendants' counsel, included a proposed  
3 Motion for Sanctions pursuant to FRCP 11, in compliance with the 21-day safe harbor  
4 provision set out in FRCP 11(c)(2).

5 On March 23, 2021 counsel for the King County Defendants sent a proposed  
6 stipulated motion and order to remand for the other parties' review. Plaintiff's  
7 counsel reviewed the documents proposed by the King County Defendants' counsel,  
8 Amy Montgomery. Although, Plaintiff's counsel agreed that the case should  
9 ultimately be remanded, and that as a general matter, stipulations are a preferred  
10 method of disposing certain motions, the proposed court filings were unacceptable  
11 as written. The proposed stipulation was inaccurate, and misrepresented both facts  
12 and law to the District Court. Plaintiff's Counsel had intended to respond to Attorney  
13 Montgomery, but was delayed, and the King County Defendants' counsel filed their  
14 Motion to Remand before Plaintiff was able to respond.

15 The factual and legal issues contained in Plaintiff's Response to the Motion to  
16 Remand are substantially related to the factual and legal issues contained in  
17 Plaintiff's Motion for Sanctions; when taken together the Plaintiff's Response and her  
18 Motion for Sanctions will provide the District Court with a full picture of the  
19 Defendants' conduct, which should subject them to fees, costs, and/or sanctions as  
20 determined by the District Court.

### 21 III. ARGUMENT

22 The local rules of District Court provide for both Relief from a Deadline LCR 7(j)  
23 and for Cross Motions LCR 7(k). In this case, the application of these rules to the  
24 present motions before the District Court should allow for the consolidation of the  
25 two motions to be heard at the same time (i.e. the latter of the two motions) on  
26

1 Friday, April 30, 2021. Consistent with LCR 7(j), Plaintiff has not relied upon the  
2 granting of this motion to respond to the King County Defendants' Motion for  
3 Remand, the filing of that Response is expected to be timely. Consistent with LCR  
4 7(k), Plaintiff is filing her Motion for Sanction in accordance with the local rules, even  
5 though the hearing date will be different than that of the King County Defendants'  
6 Motion for Remand. Because of the overlapping factual and legal issues presented  
7 in both Motions, it would be an efficient and just use of the District Court's resources  
8 to hear both Motions at the same time.

9  
10 **IV. CONCLUSION**

11 For the foregoing reasons, the Plaintiff respectfully requests that the District  
12 Court grant Plaintiff's Motion to provide relief from the District Court's deadlines and  
13 consolidate the hearings of the King County Defendants' Motion for Remand and  
14 Plaintiff's Motion for Sanctions.

15 A Proposed Order is enclosed with this Motion.  
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3 Respectfully submitted, this April 8, 2021

4 POSSINGER LAW GROUP, PLLC

7 /s/ Jeffrey Possinger

8 Jeffrey Possinger, WSBA #30854

9 Attorney for Plaintiff

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**CERTIFICATE OF SERVICE**

I certify that on the date shown below a copy of this Response was sent as stated below.

Amy E. Montgomery, WSBA #32068 Senior Deputy Prosecuting Attorney King County Prosecuting Attorney 500 Fourth Avenue, Suite 900 Seattle, Washington 98104 <a href="mailto:Amy.montgomery@kingcounty.gov">Amy.montgomery@kingcounty.gov</a> Attorney for King County Defendants	<input checked="" type="checkbox"/> via eFiling/Email <input type="checkbox"/> via Messenger <input type="checkbox"/> via US Mail <input type="checkbox"/> via Fax
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DATED this \_\_8th\_\_ day of \_\_April\_\_, 2021.

s/ David Selka  
David Selka  
Paralegal